

# United States District Court

for

THE DISTRICT OF GUAM

**FILED**  
DISTRICT COURT OF GUAM

DEC - 5 2005

MARY L.M. MORAN  
CLERK OF COURT

U.S.A. vs: EDWARD DONALD FEELEY Docket No. CR 05-00073-001

## Petition for Action on Conditions of Pretrial Release

COMES NOW ROBERT I. CARREON PRETRIAL SERVICES OFFICER  
presenting an official report upon the conduct of Edward Donald Feeley  
who was placed under pretrial release supervision Joaquin V.E. Manibusan, Jr., Magistrate Judge  
sitting in the court at Hagatna, Guam on 17th date of October 20 05  
under the following conditions:

Report to the U.S. Probation Office once a week or as directed; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; obtain no passport; stay away from all ports of entry or exit; stay away from all schools when children are present; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from any use of alcohol; refrain from any unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; submit to drug testing; submit to alcohol testing as approved by the U.S. Probation Office; participate in a mental health assessment and any recommended treatment; avoid any direct contact with minors; inform the probation office of any internet service via computer or other electronic device; and refrain from visiting websites or links with child pornography or other obscene visual representations.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

*(See attached Declaration in Support of Petition by U.S. Probation Officer Robert I. Carreon)*

PRAYING THAT THE COURT WILL

Pursuant to 18 U.S.C. §3148(b), order that a summons be issued, and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

## ORDER OF COURT

Considered and ordered 2nd day  
of December 2005 and ordered filed  
and made a part of the records in the above  
case.

Respectfully,

Robert I. Carreon

U.S. Pretrial Services Officer

Hagatna, Guam

**RECEIVED**

DEC - 1 2005

Date: November 30, 2005

Joaquin V.E. Manibusan, Jr.

JOAQUIN V.E. MANIBUSAN, JR.  
Magistrate Judge

DISTRICT COURT OF GUAM  
HAGATNA, GUAM

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**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF GUAM**

UNITED STATES OF AMERICA,	)	MAGISTRATE CASE NO. 05-00073-001
Plaintiff,	)	
	)	
vs.	)	<b>DECLARATION IN SUPPORT OF PETITION</b>
	)	
EDWARD DONALD FEELEY	)	
Defendant.	)	
_____	)	

**Re: Violation of Pretrial Release Conditions; Request for a Summons**

I, Robert I. Carreon, am the U.S. Pretrial Services Officer assigned to supervise the Court-ordered conditions of pretrial release for Edward Donald Feeley and in that capacity declare as follows:

On October 17, 2005, the above referenced defendant pled guilty to an Information charging him with Possession of Child Pornography, in violation of Title 18 United States Code, Section 2252A(a)(5)(B). The Court accepted his guilty plea and the defendant was released on a personal recognizance bond with the following conditions: report to the U.S. Probation Office once a week or as instructed; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; stay away from all ports of entry or exit; stay away from all schools when children are present; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from any use of alcohol; refrain from use or unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; submit to drug testing; submit to alcohol testing as approved by the U.S. Probation Office; participate in a mental health assessment and any recommended treatment; avoid any direct contact with minors; inform the probation office of any internet service via computer or other electronic device; and refrain from visiting websites or links with child pornography or other obscene visual representations. The Court set Sentencing for February 6, 2006. The defendant is alleged to have violated the following conditions of pretrial release:

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Re: FEELEY, Edward Donald

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**Special Condition:** *The defendant shall avoid any direct contact with minors.* On November 18, 2005, the defendant reported as instructed to the U.S. Probation Office. The defendant was asked of his recent activities in order to confirm his compliance with release conditions. Among the activities reported, the defendant stated that about three times per month, he participates in various group hikes sponsored by the Department of Parks and Recreation (DPR). The defendant stated that these hikes are open to the general public, and are attended by adults and minors alike. He stated that there have been children present on most of the hikes he has attended. He further stated that although minors are present at these hikes, he does not engage them in any conversation, and that other adults are always present to supervise them. As such, the defendant stated he believes he is not in "direct contact with minors" as ordered by the Court.

In addition to hikes, the defendant stated that minors are present when he attends Sunday church services, and when he goes to the supermarket. He also stated that he sees minors in the community as he drives his vehicle. The defendant also reported that he checks his personal email account at the Hagatna Library on Tuesdays and Thursdays but assures that minors are not present during the times that he is there, which is around 11:00 a.m. As with the hikes, the defendant stated that he believes that although he may be in proximity of minors, he does not believe he is not in direct contact with them unless he engages them in communication. The defendant was informed that his activities as reported would be assessed, and that further guidance on the restriction from contact with minors would be provided shortly.

On November 21, 2005, the defendant again reported to the U.S. Probation as instructed for a compliance meeting. Defense counsel, Howard Trapp, was contacted and he consented to join the meeting telephonically. This Officer advised that the defendant's continued participation in the DPR hikes when minors are in attendance will not be authorized. However, the probation office had no objection to his proximity to children at church services or his trips to the supermarket. Although defense counsel advised the defendant to comply with the instructions of the probation office, the defendant objected.

**Supervision Compliance:** The defendant has complied with his conditions of supervision.

**Recommendation:** This officer requests, pursuant to 18 U.S.C. §3148, that this matter be scheduled for a hearing and a summons be issued for the defendant's appearance at that hearing to determine if bail should be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

It is the recommendation of the U.S. Probation Officer that the Court modify pretrial release conditions to include the following:

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1. The defendant is restricted from participation in the Department of Parks and Recreation hikes when minors are present; and
2. The defendant is restricted from frequenting places where minors are known to congregate, as determined by the U.S. Probation Office.

Executed this 11<sup>th</sup> day of <sup>December</sup>~~November~~ 2005, at Hagatna, Guam, in conformance with provisions of Title 28 U.S.C. § 1746. *PC*

I declare under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

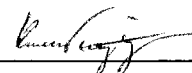
RESPECTFULLY submitted this 11<sup>th</sup> day of <sup>December</sup>~~November~~ 2005.

FRANK MICHAEL CRUZ  
Chief U.S. Probation Officer

By:

  
ROBERT I. CARREON  
U.S. Probation Officer

Reviewed by:

  
ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader

cc: Jeffrey J. Strand, AUSA  
Howard D. Trapp, Defense Counsel  
File